

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

GREENFIELD UNION SCHOOL
DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2012031251

ORDER DENYING MOTION TO
VACATE PREHEARING
CONFERENCE AND EXTENDING
DEADLINE TO FILE STATEMENTS

Hearing in this matter is set for July 24 through 26, 2012, with a telephonic prehearing conference (PHC) set for July 11, 2012. On July 3, 2012, District filed a letter asking the Office of Administrative Hearings (OAH) to vacate the PHC and schedule a telephonic status conference for the same date and time. Student joined in the request.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted. (34 C.F.R. § 300.515(a); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3).) Speedy resolution of the due process hearing is mandated by law and continuance of the hearing may be granted only upon a showing of good cause. (Ed. Code, § 56505, subd. (f)(3).) In ruling upon a motion for continuance, OAH is guided by the provisions found within the Administrative Procedure Act and the California Rules of Court that concern motions to continue. (Cal. Code Regs., tit. 1, § 1020; Cal. Rules of Court, rule 3.1332.) Generally, continuances of matters are disfavored. (Cal. Rules of Court, rule 3.1332(c).)

The parties represented that a settlement agreement has been negotiated and is in the process of being circulated for final approval and signatures. In the absence of an executed settlement agreement, the hearing may not be dropped from the calendar. Consequently, the PHC should be timely conducted. However, the deadline within which to file PHC statements will be continued to support the settlement process. The parties' PHC statements are therefore now due by noon on July 10, 2012.

IT IS SO ORDERED.

Dated: July 03, 2012

/s/

DEIDRE L. JOHNSON
Administrative Law Judge
Office of Administrative Hearings